

Notice of Allowability

Application No.

10/694,974

Applicant(s)

NGUYEN, LANG H.

Examiner

VICKEY RONESI

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 3/19/2008.
2. ☒ The allowed claim(s) is/are 21,25-34 and 38-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/11/08</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/15/08</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Amici on 6/11/2007. Support for this amendment is found in col. 5, lines 28-32 of US 5,698,016 which was incorporated by reference in paragraph 0028 of the instant specification as originally filed.

The application has been amended as follows:

In claim 21, line 5, delete the phrase "at least one anionic group" and insert --at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof--.

In claim 25, line 1, delete the term "organic" and replace with --anionic--.

In claim 29, line 5, delete the term "organic" and replace with --anionic--.

In claim 30, line 6, delete the phrase "at least one anionic group" and insert --at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof--.

In claim 38, line 2, delete the term "organic" and replace with --anionic--.

In claim 40, line 5, delete the term "organic" and replace with --anionic--.

In claim 41, line 7, delete the phrase “at least one anionic group” and insert --at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof--.

In claim 42, line 6, delete the phrase “at least one anionic group” and insert --at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof--.

In claim 43, line 7, delete the phrase “at least one anionic group” and insert --at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof--.

Statement of Reasons for Allowance

The present claims are allowable over the closest prior art Adams (US 5,698,016), Belmont (US 5,713,988), Nyssen (WO 00/60015), and Golightly et al (GB 2 019 822) for the following reasons:

The present claims are drawn to a pigment composition (and non-aqueous coating compositions thereof) comprising at least one pigment, at least one anionic surfactant, at least one polymer comprising at least one salts of a carboxylic acid group, wherein the pigment is a carbon product having attached at least one organic group that comprises at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof.

Adams et al discloses compositions for use in coatings and inks comprising an anionic amphiphilic ions and modified carbon products like presently claimed, however, it teaches that

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the charge on the modified carbon product is opposite to the charge of the amphiphilic ion.

Therefore, Adams et al fails to disclose or suggest the use of an anionic amphiphilic ion and a carbon product comprising an anionic group.

Belmont discloses non-aqueous inks and coating comprising a modified carbon product like presently claimed, however, it fails to disclose or suggest the use of a surfactant.

Nyssen discloses a paint and coating material system comprising a dispersants such as anionic dispersants (including sulfosuccinic esters and polyacrylic acids) and a pigment such as a sulfo- or carboxyl-containing carbon black, however, these carbon blacks fails to contain an organic group that is at least one aromatic group or at least one C₁-C₁₂ alkyl group and Nyssen fails to disclose or suggest a carbon product having attached at least one organic group that comprises at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof.

Golightly et al discloses a composition comprising a talc pigment, an organic polyelectrolyte dispersants such as alkali metal salts of polycarboxylic acid, and a wetting agent that is an anionic surface active agent such as sulfonates, however, it fails to disclose or suggest the addition of a carbon product having attached at least one organic group that comprises at least one aromatic group or at least one C₁-C₁₂ alkyl group and further comprises at least one anionic group or salts thereof.

Thus, it is clear that the references, taken individually or in combination, do not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/11/2008
Vickey Ronesi

/V. R./
Examiner, Art Unit 1796

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/VASUDEVAN S. JAGANNATHAN/

Supervisory Patent Examiner, Art Unit 1796